Baruch S. Gottesman
Attorney and Counselor at Law

February 24, 2017

ViA ECF
The Honorable Gregory H. Woods
United States District Court for the Southern District of New York
500 Pearl Street, Room 2260
New York, NY 10007

Re: Letter-Motion for Extension of Time to Respond to Motion for Summary Judgment

Re: Negri v. Friedman, et al.
Docket No. 1:14-cv-10233 (GHW)

Your Honor:

I write on behalf of Plaintiff for the narrow purpose of requesting an extension on the Plaintiff's time to respond to Defendants' Motion for Summary Judgment (Dockets #123 – 126).

Your honor ordered Plaintiff's response to the Motion for Summary Judgment due today (Docket #127). Plaintiff began discussions with me this week about retaining my firm as counsel and respectfully requests, in the interests of justice, that Your Honor extend the date for Plaintiff's response for two months until April 24, 2017.

These two months will allow Plaintiff to retain myself (or other counsel) and to get approval for such representation from the Chapter 7 Trustee.

Pursuant to Your Honor's Individual Rules of Practice in Civil Cases, here is the information about this request for an extension:

(1.) Original Due Date: **February 24, 2017**;

(2.) Number of Previous Requests: **No previous requests for an extension of time have been made. Your honor *sua sponte* extended the Plaintiff's time for ten days. *See* Docket #127.**

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(3.) Reason for current request: **The reason for the current request is that because of the pending Chapter 7 action, Plaintiff has been representing himself *pro se* and has been unable to retain counsel. This requested two-month extension is necessary for Plaintiff to have time to retain me (or other counsel) and get approval from the Bankruptcy Trustee.**

This proposed two month extension would be in the interests of justice because if I (or other counsel) are retained, this matter can be disposed of on its merits, rather than by Plaintiff's default on the Motion for Summary Judgment caused through no fault of his own, but rather by the pressures of the Chapter 7 matter and his difficulty in finding counsel.

(4.) Consent by Adversary: **Earlier today I reached out to the Moving Defendant, Mr. Friedman, by e-mail and asked him whether he consents to this request for an extension and if not, what reason he has for not consenting.**

As of the filing of this Letter I have not heard back from Mr. Friedman so I do not know if he consents, objects or is indifferent to this request for an extension.

(5.) Proposed Alternative Dates: **April 24, 2017**.

We should note that this request is being made on the due date (today) because I was only contacted by Plaintiff about this matter yesterday. I understand from Plaintiff that he made every reasonable effort to retain counsel in advance of this February 24, 2017, due date but the need to get approval from the Trustee and other issues have prevented that from happening.

Plaintiff further informed me that on February 22, 2017, he sent a written letter to the *pro se* office that if he was unable to retain counsel by this due date he would be unable to proceed *pro se* and would be compelled by circumstances to withdraw this suit without prejudice. Plaintiff respectfully withdraws that letter and requests instead an extension of two months for him to retain counsel.

I again note that I have not been retained by Plaintiff in this matter. The narrow purpose of this letter is to request the Court's indulgence for a two months extension so such representation can be arranged (whether with me or other counsel) and approved by the Chapter 7 Trustee.

The Plaintiff sincerely appreciates Your Honor's indulgence and therefore respectfully requests an extension of the time to serve a response to the Motion for Summary Judgment for two months until April 24, 2017.

RESPECTFULLY SUBMITTED,

Baruch S. Gottesman, Esq.

Your Honor:

I respectfully withdraw my February 22, 2017, letter and request a two month extension for me to retain counsel and obtain approval from the Chapter 7 Trustee to respond to the Motion for Summary Judgment.

Ryan J. Negri, *Plaintiff* 2/24/2017 *Date*

Courtesy Copied Via ECF

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Pro Se Defendant